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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CORRIELUS, JEAN M

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/756,232

Applicant(s)

LE ET AL.

Examiner

Jean M Corrielus

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2172:

DETAILED ACTION

1. This office action is in response to the amendment filed on September 8, 2003, in which claims 1-50 are presented for further examination.

Response to Arguments

2. Applicant's arguments filed September 8, 2003 have been fully considered but they are not persuasive. See examiner's remark.

Information Disclosure Statement

3. The information disclosure statement (IDS) filed on November 07, 2002 (paper no.6) complies with the provisions of M.E.P.. § 609. It has been placed in the application file. The information referred to therein has been considered as to the merits. (See attached form).

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2172:

5. Claims 1-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmes US patent no. 5,864,860 in view of Svanbro et al (hereinafter "Svanbro") US Patent no.6,535,925.

As to claim 1, Holmes discloses a system for compressing a data sequence having a plurality of records. In particular, Holmes discloses the claimed features "comparing a current item list with a reference item list" (col.2, lines 13-46); and "determining a type of classification based on said comparing" as a match indication, responsive to a signal from the comparison step indicating that the data item matches the current field data item by a token indicating the match, wherein the data for that field is replaced by a token in the send record, this token indicating that the content of that field is the same as the content in the corresponding field (col.3, lines 3-15; col.4, lines 35-62). However, Holmes does not explicitly disclose a robust and efficient compression of list of items. On the other hand, Svanbro discloses an analogous system which includes a method for efficiently compressing and reconstructing a header of a real time communication packet (col.2, lines 4-33).

Therefore, it would have been obvious to one having ordinary skill in the art combine the teachings of cited references, wherein the database server, provided therein (see Holmes' fig.1) would incorporate the use of a robust and efficient compression of list of items, in the same conventional manner as discloses by Svanbro. One having ordinary skill in the art would have found it obvious to utilize such a combination because that would provide Holmes' system the enhanced capability of efficiently compressing a header of a real-time communication packet.

Art Unit: 2172:

As to claim 2, Holmes discloses the claimed feature “wherein the comparing determines a difference between said current item list and said reference item list” (col.2, lines 10-18; col.3, lines 5-15).

As to claim 3, Holmes discloses the claimed feature “sending information regarding said difference from a first entity to a second entity” (col.4, lines 63-col.5, line 3).

As to claim 4, Holmes and Svanbro disclose substantially the invention as claimed. In addition, Svanbro discloses the claimed feature “encoding the information regarding said difference prior to sending said information from said first entity to said second entity”(col.5, line 15-col.8, line 63). Therefore, it would have been obvious to one having ordinary skill in the art combine the teachings of cited references, wherein the database server, provided therein (see Holmes’ fig.1) would incorporate the use of a robust and efficient compression of list of items, in the same conventional manner as discloses by Svanbro. One having ordinary skill in the art would have found it obvious to utilize such a combination because that would provide Holmes’ system the enhanced capability of efficiently compressing a header of a real-time communication packet.

As to claim 5, Holmes and Svanbro disclose substantially the invention as claimed. In addition, Svanbro discloses the claimed feature “wherein encoding the information comprises encoding information regarding a position of a newly added to said reference item list”(col.5, line 15-col.8,

Art Unit: 2172:

line 63). Therefore, it would have been obvious to one having ordinary skill in the art combine the teachings of cited references, wherein the database server, provided therein (see Holmes' fig.1) would incorporate the use of a robust and efficient compression of list of items, in the same conventional manner as discloses by Svanbro. One having ordinary skill in the art would have found it obvious to utilize such a combination because that would provide Holmes' system the enhanced capability of efficiently compressing a header of a real-time communication packet.

As to claim 6, Holmes and Svanbro disclose substantially the invention as claimed. In addition, Svanbro discloses the claimed feature "wherein encoding the information comprises encoding information regarding which item in said reference item list is not in said current item list"(col.5, line 15-col.8, line 63). Therefore, it would have been obvious to one having ordinary skill in the art combine the teachings of cited references, wherein the database server, provided therein (see Holmes' fig.1) would incorporate the use of a robust and efficient compression of list of items, in the same conventional manner as discloses by Svanbro. One having ordinary skill in the art would have found it obvious to utilize such a combination because that would provide Holmes' system the enhanced capability of efficiently compressing a header of a real-time communication packet.

As to claim 7, Holmes and Svanbro disclose substantially the invention as claimed. In addition, Svanbro discloses the claimed feature "wherein encoding the information comprises encoding information regarding content of at least one item in said reference item list"(col.5, line 15-col.8,

Art Unit: 2172:

line 63). Therefore, it would have been obvious to one having ordinary skill in the art combine the teachings of cited references, wherein the database server, provided therein (see Holmes' fig.1) would incorporate the use of a robust and efficient compression of list of items, in the same conventional manner as discloses by Svanbro. One having ordinary skill in the art would have found it obvious to utilize such a combination because that would provide Holmes' system the enhanced capability of efficiently compressing a header of a real-time communication packet.

As to claim 8, Holmes and Svanbro disclose substantially the invention as claimed. In addition, Svanbro discloses the claimed feature "wherein encoding the information comprises encoding information regarding a position of a newly added item to said reference item list (col.5, line 15-col.8); and encoding information regarding which item in said reference item list is not in said current item list" (col.5, line 15-col.8, line 63). Therefore, it would have been obvious to one having ordinary skill in the art combine the teachings of cited references, wherein the database server, provided therein (see Holmes' fig.1) would incorporate the use of a robust and efficient compression of list of items, in the same conventional manner as discloses by Svanbro. One having ordinary skill in the art would have found it obvious to utilize such a combination because that would provide Holmes' system the enhanced capability of efficiently compressing a header of a real-time communication packet.

Art Unit: 2172:

As to claim 9, Holmes discloses the claimed feature “sending a compressed list from a first entity to a second entity (col.4, lines 63-col.5, line 57).

As to claim 10, Holmes discloses the claimed feature “wherein said compressed list includes information regarding a difference between said current item list and said reference item list” (col.2, lines 10-18).

As to claim 11, Holmes and Svanbro disclose substantially the invention as claimed. In addition, Svanbro discloses the claimed feature “wherein said difference is encoded within said compressed list based on said determined type of classification”(col.5, lines 15-col.6, line 65).Therefore, it would have been obvious to one having ordinary skill in the art combine the teachings of cited references, wherein the database server, provided therein (see Holmes’ fig.1) would incorporate the use of a robust and efficient compression of list of items, in the same conventional manner as discloses by Svanbro. One having ordinary skill in the art would have found it obvious to utilize such a combination because that would provide Holmes’ system the enhanced capability of efficiently compressing a header of a real-time communication packet.

As to claim 12, Holmes and Svanbro disclose substantially the invention as claimed. In addition, Svanbro discloses the claimed feature “wherein said information further comprises a type of encoding” (col.5, lines 15-col.6, line 65).Therefore, it would have been obvious to one having

Art Unit: 2172:

ordinary skill in the art combine the teachings of cited references, wherein the database server, provided therein (see Holmes' fig.1) would incorporate the use of a robust and efficient compression of list of items, in the same conventional manner as discloses by Svanbro. One having ordinary skill in the art would have found it obvious to utilize such a combination because that would provide Holmes' system the enhanced capability of efficiently compressing a header of a real-time communication packet.

As to claim 13, Holmes and Svanbro disclose substantially the invention as claimed. In addition, Svanbro discloses the claimed feature "wherein said type comprises an insertion, removal and change encoding scheme (col.1, lines 23-65). Therefore, it would have been obvious to one having ordinary skill in the art combine the teachings of cited references, wherein the database server, provided therein (see Holmes' fig.1) would incorporate the use of a robust and efficient compression of list of items, in the same conventional manner as discloses by Svanbro. One having ordinary skill in the art would have found it obvious to utilize such a combination because that would provide Holmes' system the enhanced capability of efficiently compressing a header of a real-time communication packet.

As to claim 14, Holmes discloses the claimed feature "sending information regarding a difference between an item in said current item list and a corresponding item in said reference item list" (col.2, lines 10-18).

Art Unit: 2172:

As to claim 15, Holmes discloses the claimed feature “wherein said type of classification is based on whether an item in said reference item list is in said current item list” as a match indication, responsive to a signal from the comparison step indicating that the data item matches the current field data item by a token indicating the match, wherein the data for that field is replaced by a token in the send record, this token indicating that the content of that field is the same as the content in the corresponding field (col.3, lines 3-15; col.4, lines 35-62).

As to claim 16, Holmes discloses the claimed feature “wherein decompressing information sent from a first entity to a second entity”(col.5, lines 7-57).

As to claim 17, Holmes discloses the claimed feature “sending said reference item list from a first entity to a second entity” (col.4, lines 63-col.5, line 3).

As to claim 18, Holmes discloses the claimed feature “decompressing information sent from said first entity to said second entity using said previously sent reference item list as a reference” (col.5, lines 7-57).

As to claims 19-50: the limitations of claims 19-50 have been noted in the rejection of claims 1-18 above. They are, therefore, rejected under the same rationale. In addition, Holmes discloses the claimed “classifying at least one item of a list” as a match indication, responsive to a signal from

Art Unit: 2172:

the comparison step indicating that the data item matches the current field data item by a token indicating the match, wherein the data for that field is replaced by a token in the send record, this token indicating that the content of that field is the same as the content in the corresponding field (col.3, lines 3-15; col.4, lines 35-62); “forming a compressed list including said at least one item” (col.4, lines 13-16); and “transmitting said compressed list” (col.4, lines 17-20, lines 55-62).

Remark

(A). Applicant asserted that the present application claims priority under 35 U.S.C. 119(e) from U.S. Provisional application no. 60/211,986, filed June 16, 2000, whereas Svanbro Patent claims priority under 35 U.S.C. 119(e) from U.S. Provisional application no. 60/164,355, filed November 9, 1999. Svanbro is not prior art to the claim of the present application. The examiner disagrees with the precedent assertion. It important to note that Svanbro's priority date is earlier than the priority date of the instant applicant. Since the priority of the Svanbro's patent is that November 29, 1999, so the Svanbro's patent a 102(e) reference. Applicant is reminded that the instant invention is described in the patent granted on an application for patent by Svanbro filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Therefore, Svanbro's patent is prior art to the claim of the present application.

Art Unit: 2172:

(B). Applicants asserted that Holmes does not teach or suggest determining and encoding any difference. Holmes also does not teach or suggest the addition, removals or change of an item. It is not clear as to which determining and encoding any difference and also the addition, removal or change of an item the applicant are referred to. The claims do not capture the essence of the invention as argued in applicant's remark (page 4). The examiner kindly submits that the applicant misread the applied reference. However, when read and analyzed in light of the specification, the invention as claimed does not support applicant's arguments. There is no mention of encapsulating and encoding any difference and also the addition, removal or change of an item in the claims.

(C). Applicants asserted that Holmes does not teach or suggest comparing a current item list with a reference item list and determining a type of classification based on the comparing as recited in claim 1. The examiner disagrees with this assertion. Applicants should duly note that for this assertion to have merit, it is important to provide some forms of evidence that convincingly show that Examiner's reference does not meet the claims language. Applicants' assertions are just mere allegation with no supported fact. Applicants are also reminded that 37 CFR § 1.111(b) states, a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, the claims do not capture the essence of the invention as asserted in applicant's remark page 5. Applicant failed to

Art Unit: 2172:

rebut the Examiner's prima facie case for obviousness by failing to address the correspondences drawn between the prior art and Applicants' claimed subject matter. In paper number 7, the Examiner went through the claims phrase by phrase and referred to the prior art column and line number as to where he has drawn the correspondences between Applicants' claim phrases and prior art. By failing to address these correspondences, Applicants have failed to rebut the Examiner's prima facie case of obviousness uses for a different purpose which does not alter the conclusion that its use in a prior art device would be prima facie obvious from the purpose disclosed in the reference. Furthermore, Holmes discloses a system for compressing a data sequence having a plurality of records. Holmes, in particular, discloses the use of comparing a current item list with a reference item list as a means of comparing the data item in the current field with the data item in the correspondence field of a preceding record " (col.2, lines 13-46); and "determining a type of classification based on said comparing" as a match indication, responsive to a signal from the comparison step indicating that the data item matches the current field data item by a token indicating the match, wherein the data for that field is replaced by a token in the send record, this token indicating that the content of that field is the same as the content in the corresponding field, wherein the comparison means being arranged or classified or categorized to repetitively perform the comparison process on a predetermined member of field (col.3, lines 3-15; col.4, lines 35-62). Holmes, however, states in the computer environment, as many computer applications involves in creation and manipulation of structured data and wherein a result of a search query takes the forms of the structured data sequence. Such computer

Art Unit: 2172:

applications of Holmes would have used to determine a type of classification based on the comparing means. The rejection under 103 with respect to claim 1 is, therefore, sustained.

(C). The rejection under 103 with respect to claims 19, 32 and 40 are, therefore, sustained for the same rationale set forth in claim 1 above.

(D). Applicants asserted that Holmes does not relate to determining a difference between a current item list and a reference item list. The examiner disagrees with the precedent assertion. Holmes, homes discloses the use of comparing the data item in the current field to determine whether there is a match. So the data items are determined to be different do not selected them, otherwise replace them by a token indicating the match (see Holmes' col.2, lines 15-18). Since Holmes discloses the use of determining the match between items list and a reference item list, the determining the difference between items would have been incorporated. Holmes, on the other hand, has the functional limitations of determining the different between data item. Therefore, Holmes substantially discloses the above mentioned limitation. The rejection under 103 with respect to claims 2, 21, 33 and 42 sustains.

Art Unit: 2172:

(E). Applicants asserted that Svanbro does not teach or suggest the features of claims 5-8 and 11-13. The examiner disagrees with the precedent assertion. First, for this assertion to have merit, it is important to Applicants provide some forms of evidence that convincingly show that Examiner's reference does not meet the claims language. Applicant's arguments are just mere allegation with no supported fact. Second, the claims do not capture the essence of the invention as argued in applicant's remark page 5. Applicant failed to rebut the Examiner's prima facie case for obviousness by failing to address the correspondences drawn between the prior art and Applicants' claimed subject matter. In paper number 7, the Examiner went through the claims phrase by phrase and referred to the prior art column and line number as to where he has drawn the correspondences between Applicants' claim phrases and prior art. Furthermore, the examiner is entitled to the broadest reasonable interpretation of the claims, and the Applicants always have the opportunity to amend the claims during prosecution and broad interpretation by the Examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater 162 USPQ 541, 550-51 (CCPA 1969). Hence, the aforementioned assertion is moot.

(F). The analysis with regard to claims 5-8 and 11-13 is also applied to claims 23, 26-29, 35, and 44-48 because they have similar limitations.

Art Unit: 2172:

The examiner would like to direct the to the fact that the applicants misread and misinterpreted the teachings detailed in Holmes and Svanbro. It is therefore, clear that the cited references disclose the compensation of functional differences as broadly claimed. For the above reasons, it is believed that the rejections under 103 should be sustained.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or early communication from the Examiner should directed to **Jean Corrielus** whose telephone number is (703) 306-3035. The Examiner can normally be reached on the weekdays from 7:00am to 5:30pm.

Serial Number: 09/756,232:

Page 16

Art Unit: 2172:

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, *Kim Vu*, can be reached on (703)305-9343.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231

or faxed to:

(703) 746-7239, (for formal communications intended for entry)

Or:

(703)746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to **Crystal Park II, 2021 Crystal Drive,**
Arlington, VA., Sixth Floor (Receptionist).



Jean M. Corrielus

Patent Examiner

November 6, 2003